

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 31, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application. Claims 1, 7, 13 and 17 are independent claims. By means of the present amendment, the claims are amended to clarify that which is recited in the claims. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claims 1-17 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,813,681 to Kanota ("Kanota"). This rejection is respectfully traversed. It is respectfully submitted that claims 1-17 are allowable over Kanota for at least the following reasons.

To provide perspective of the present system, it is noted that the problem solved by the claims is in not overwriting data in different formats saved to the same optical disc by recording applications that do not recognize/respect formats other than its own. As argued in the response to the previous Office Action, the claims enable data in different formats to share the same optical disc. (E.g., see, present application, page 2, lines 13-20.)

Kanota is directed to a file system for recording of Audio Video (AV) data on a hard disc drive (HDD) to minimize file fragmentation due to recording/reproducing operations. It is well known that while writing to the hard disk drive is controlled by the operating systems,

writing to optical disk drives is instead controlled by standalone programs that are not required to adhere to strict, uniform rules of the operating systems (e.g., see, present application, page 2, lines 13-20). Kanota says nothing on the topic of configuring user storage space of an optical disc to store data in different formats, as recited in claim 1. Accordingly, since Kanota is not in the same field of art as the claims (writing to a hard disc is technically very different than writing to an optical disc), it is not a proper reference for rejecting the claims.

Furthermore, in rejecting the elements of claim 1, the Office Action has referenced col. 10, lines 15-28 of Kanota. However, it is respectfully submitted that nothing in this section of Kanota nor any other section of Kanota for that matter describes dividing the user storage space. Kanota only states that data in three different format types is written to the user data area of a hard disk. Further, it is respectfully submitted that nothing in this section of Kanota describes the "availability parameters which define a location and/or extent of at least one storage section", as recited in claim 1. At col. 10, lines 60-64 Kanota states that its user data region of the hard disk is made up of 27249542 sectors and includes an AV data area, a memo data area and an audio data area, however, it is respectfully submitted that Kanota says nothing to anticipate the above recited elements of claim 1.

Additionally, in rejecting claim 16, the Office Action references Kanota, col. 17, lines 12-35. In relevant part, at lines 19-24, Kanota states the following:

... it is possible with the present information recording/reproducing apparatus 1 to record AV data in both the AV data area and in the memo data area, as the AV data recorded in the AV data area is reproduced, if

the the AV data area and the memo data area are set in recording and/or reproduction

It however is respectfully submitted that this teaching of Kanota is contrary to the recitation of the claims, which as argued above and as recited in the claims is in "not overwriting data in different formats saved to the same optical disc". Claim 16 recites: "amending at least one of said one or more availability parameters such as to increase the size of said predefined storage section in the selected format thereby also decreasing the size of said predefined storage section in another format". Reallocation of free storage section as recited in the claims is not equivalent to overwriting of whole areas dedicated to different formats as taught by Kanota.

Similarly, with regard to claim 3, nothing in Kanota teaches, discloses, or suggests "the variable parameter varying the location and extent of the first and second storage sections".

Finally, it is again noted that throughout its four corners, Kanota repeatedly and solely states that the data is "recorded on the HDD 7" not an optical disc as for example recited in claim 1. It is particularly telling of Kanota that in the "Description of the Related Art" section, it is stated that (emphasis added) "[i]n a filing system for a personal computer for controlling e.g., a conventional hard disc drive (HDD), the main theme has been to handle inherently discrete text data." (See, Kanota, col. 1, lines 13-15.) Therein it is further stated that (emphasis added) "[m]eanwhile, in recording/reproducing temporally continuous AV data, such as acoustic or moving picture data, by an HDD, the continuous data transfer rate is crucial." (See, Kanota, col. 1, lines 20-22.) As is clear to a person of ordinary skill in

the art such as Kanota, the technical challenge addressed by Kanota is related to a hard disk drive apparatus. As appreciated by Kanota and as discussed further herein, writing to a hard disc is technically very different than writing to an optical disc.

In regard to the pending claims, Applicants can find nothing in Kanota that shows, teaches or describes the optical disk method, disk, or apparatus as specifically recited in the claims.

The Office Action states that the above features as recited in the claims is shown in Kanota. Applicants respectfully disagree. Moreover, MPEP section 2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim.

Applicant submits that the Office Action fails to make a prima facie case of anticipation because Kanota does not satisfy MPEP section 2131 as an anticipatory reference. Accordingly, withdrawal of the rejection is respectfully requested with regard to the claims for this additional reason.

A review of the four corners of Kanota has failed to reveal anything which would remedy the deficiencies of the art as discussed above, as an anticipatory reference against the claims herein. These claims are therefore believed patentable over Kanota. The Applicants submit that the claims, as they now stand, fully satisfy the requirements of 35 U.S.C. 102. In view of the foregoing amendments and remarks, favorable reconsideration and early passage to issue of the present application are respectfully solicited.

It is respectfully submitted that claim 1 is not anticipated or made obvious by the

teachings of Kanota. For example, Kanota does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis provided) "configuring user storage space of an optical disc to store data in different formats, the method comprising acts of: dividing the user storage space located between a lead-in area and a lead-out area of the optical disk into a plurality of storage sections including one or more first storage sections where only user data in a first format is recordable and one or more second sections where only user data in a second format that is different from the first format is recordable, wherein the user storage space is available for a user to record user data; and defining one or more availability parameters which define a location and/or extent of at least one storage section in the user storage space of the optical disk " as recited in claim 1, and as similarly recited by each of claims 7, 13, and 17.

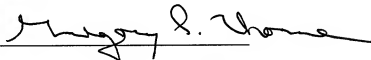
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 7, 13 and 17 are patentable over Kanota and notice to this effect is earnestly solicited. Claims 2-6, 8-12 and 14-16 respectively depend from one of claims 1, 7 and 13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support

of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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